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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/690,313 | 10/17/2000 | James L. Keesey | SLT9-2000-0052US1 | 3435 |
| 23373 | 7590 | 12/16/2005 | EXAMINER | |
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| | | | ART UNIT | PAPER NUMBER |
| | | | 2654 | |

DATE MAILED: 12/16/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/690,313
Filing Date: October 17, 2000
Appellant(s): KEESEY ET AL.

Brandon M. White
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/19/2005 appealing from the Office action mailed 04/19/2005 and 08/15/2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|--------------|---------------|------------|
| 6,532,446 B1 | King | 03/11/2003 |
| 6,658,389 B1 | Alpdemir | 12/02/2003 |
| 6,324,512 B1 | Junqua et al. | 11/27/2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 1-3, 7-16, 20-29 and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US 6,532,446 B1) in view of Alpdemir (US 6,658,389 B1).

Regarding **claim 14**, King discloses a server based speech recognition user interface for wireless devices (Title), comprising:

“a device for receiving and transmitting data” (Fig. 1 and column 4, line 64 to column 5, line 5, ‘mobile devices 102 and 103’, ‘voice transmission and/or reception capabilities’);

“[a computer] having a data store coupled thereto, wherein the data store stores data, connected to the device” (Fig. 1 and column 5, lines 16-32, ‘communication network’, ‘speech recognition server system 109’, ‘storage facilities 112 capable of storing... user specific files (data)’); and

“one or more computer programs, performed by the computer” (column 7, lines 34-35, ‘software (program) performing speech recognition processing is resident on an accessible remote server device) for:

“receiving voice data and a device identifier from the device” (column 5, lines 34-35, ‘user specific speech templates (voice data)’; column 5, lines 12-15, ‘identification information for user/or mobile device ...is transmitted’);

“translating the voice data to text” (column 3, lines 14-15, ‘voice input ... is converted into a symbolic data file (text)’; column 4, lines 26-35, ‘a symbolic data file ...containing a plurality of letters, phonemes, words...’ and ‘include ASCII files (text)’);

“determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text”, (column 4, lines 25-35, ‘a symbolic data file...containing a plurality of letters, phonemes, words (text)...’; column 10, lines 37-45, ‘converts the symbolic data file to a data format that may be optimally transported on wireless network’, ‘the symbolic data file can be in a format comprehensible...in a markup, or a text file...may be reformatted so as to more compatible with requesting mobile device (suggests filtering out some incompatible text in the file)’, which necessarily includes determining whether to filter (format or reformat) the symbolic data file, as claimed).

Even though King discloses “receiving voice data and a device identifier from the device” as stated above, King does not expressly disclose using one computer (server) for receiving voice data and a device identifier and for recognizing the speech (or voice). However, this feature is well known in the art as evidenced by Alpdemir who discloses that the speech server 116 (Fig.1) is a personal computer that includes speech-to-text engine (for speech recognition) (Fig.1 and column 5, lines 10-30) and that voice recognition can be used with (including receiving) voice print and a registered telephone number (device identifier) (column 6, lines 14-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by specifically providing one computer for receiving voice data and a device identifier and for recognizing the speech (or voice), as taught by Alpdemir, for the purpose (motivation) of offering easy access of the service for businesses and consumers (Alpdemir: column 2, lines 26-28).

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Regarding **claim 15** (depending on claim 14), King in view of Alpdemir further discloses “storing a user profile in a data store connected to the computer”, (King: column 5, lines 26-32, ‘storage facilities 112 capable of storing... user specific files (data)’ that is interpreted as user profile).

Regarding **claim 16** (depending on claim 15), King does not expressly disclose “a voice print”. However, this feature is well known in the art as evidenced by Alpdemir who discloses the voice recognition using a previously stored voice print (column 6, lines 14-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by specifically providing a voice print, as taught by Alpdemir, for the purpose of authenticating the users (Alpdemir: column 6, line 16).

Regarding **claim 20** (depending on claim 14), King in view of Alpdemir further discloses “applying the filter comprises formatting the translated text”, (King: column 10, lines 37-46, ‘converts the symbolic data file to a data format that may be optimally transported on wireless network’, ‘may be reformatted’).

Regarding **claim 21**(depending on claim 20), King in view of Alpdemir further discloses “formatting the translated text for an application”, (King: column 3, lines 20-22, ‘the symbolic data file may be used to interact with local applications’; column 2, lines 63-64, ‘in an email or a browser request field (text for an application)’).

Regarding **claim 22** (depending on claim 20), King in view of Alpdemir further discloses “formatting the translated text for the device”, (King: column 10, lines 37-46, ‘converts the symbolic data file to a data format that may be optimally (in terms of ... the device

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characteristics of the requesting mobile device) transported on wireless network', 'may be reformatted so as to more compatible with the requesting device').

Regarding **claim 23** (depending on claim 14), King in view of Alpdemir further discloses "returning translated text to the device", (King: column 3, lines 16-17, 'sent back to the originating mobile').

Regarding **claim 24** (depending on claim 14), King in view of Alpdemir further discloses "returning filtered text to the device", (King: column 3, lines 16-17, 'sent back to the originating mobile'; column 10, lines 37-46, 'converts the symbolic data file to a data format that may be optimally (in terms of ... the device characteristics of the requesting mobile device) transported on wireless network', 'may be reformatted so as to more compatible with the requesting device').

Regarding **claim 25** (depending on claim 24), King in view of Alpdemir further discloses "returning the filtered text via an electronic mail message", (King: column 2, lines 63-64, 'email').

Regarding **claim 26** (depending on claim 14), King in view of Alpdemir further discloses "returning data to a device other than the device at which voice data was received", (King: column 3, lines 16-19, 'sent back to ... or a designated third party device...').

Regarding **claims 1-3 and 7-13**, they recite a method. The rejection is based on the same reason described for claims 14-16 and 20-26, respectively, because claims 1-3 and 7-13 recite same or similar limitation(s) as claims 14-16 and 20-26, respectively.

Regarding **claims 27-29 and 33-39**, they recite an article of manufacture. The rejection is based on the same reason described for claims 14-16 and 20-26, respectively, because claims 27-29 and 33-39 recite same or similar limitation(s) as claims 14-16 and 20-26, respectively.

2. Claims 4-6, 17-19 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Alpdemir, and further in view of well known prior art (MPEP 2144.03).

Regarding **claim 17** (depending on claim 16), even though King in view of Alpdemir discloses using template matching, Fourier transform (King: column 4, lines 24-25) and voice template (King: column 5, lines 41-42) and a voice print (Alpdemir: column 6, lines 14-23), King in view of Alpdemir does not expressly disclose “translating the voice data to text using a voice print”. However, an official notice is taken that this feature is well known in the art, because the Fourier transform voice template matching approach, used for a voice print, can also be used for processing speech-to-text. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King in view of Alpdemir by using a voice print processor for both voice recognition and speech-to-text processing, because this enables dual use of the voice print processor.

Regarding **claim 18** (depending on claim 14), King in view of Alpdemir does not expressly disclose “determining comprises extracting one or more key words from the translated text”. However, an official notice is taken that this feature is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King in view of Alpdemir by specifically providing extracting and/or filtering key word(s) from the translated (recognized) text, for the purpose of offering more marketable feature for a recognition system.

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Regarding **claim 19** (depending on claim 18), the rejection is based on the same reason described for claim 18, because the claim recites (or includes) same or similar limitation(s) as claim 18.

Regarding **claims 4-6** (depending on claim 1), the rejection is based on the same reason described for claims 17-19, respectively, because claims 4-6 recite same or similar limitation(s) as claims 17-19, respectively.

Regarding **claims 30-32** (depending on claim 27), the rejection is based on the same reason described for claims 17-19, respectively, because claims 30-32 recite same or similar limitation(s) as claims 17-19, respectively.

(10) Response to Argument

1. In response to appellant's arguments (regarding claims 1-3, 1-17, 20-29 and 33-39: ground 1 of the rejection) that "the examiner has failed to articulate a credible motivation to modify the King and Alpdemir references", "there is no suggestion" or "motivation" to combine the references and "prima facie case of obviousness has not been established" (Brief: page 14, paragraph 2 to page 16, paragraph 1), the examiner respectfully disagrees with the appellant's arguments and has a different view of the combined reference teachings. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the obviousness is based on the prior art teachings and/or common knowledge in the art, as indicated

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in the sections of “Claim Rejection-- 35 USC 103” and “Response to Arguments” in the final office action filed on 04/19/2005 and the advisory office action filed on 08/15/2005. It is noted that both references are in the same field of endeavor, and solve the same or similar problem(s) of using portable/mobile device, such as PDA or cellular phone, to access speech, speech (or voice) recognition/speech-to-text services, through network, voice communication channels, and/or wireless devices, which provides a general motivation (obviousness) for combining the references.

Further, it should be pointed out that that the need for combining the second reference (Alpdemir) for claim 14 (also applied to claims 1 and 27) is to conservatively reject the claimed limitation, which is in view of King’s disclosure that he “does not expressly disclose using one computer for receiving voice data and a device identifier and for recognizing the speech (or voice)” (see claim 14 rejection above). At this point, Alpdemir explicitly teaches to implement the same or similar features of ‘voice (or speech) recognition’ using (including receiving) ‘voice print’ and providing ‘a registered telephone number (device identifier)’ in one computer (Alpdemir: column 6, lines 14-23 and Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by specifically providing one computer (server) for receiving voice data and a device identifier and for recognizing speech (or voice), as taught by Alpdemir, for the purpose (motivation) of offering easy access of the service for businesses and consumers (Alpdemir: column 2, lines 26-28), because, in general, one computer (server) with functionality of both receiving voice data and a device identifier and recognizing speech (or voice) would be more easily accessed by user devices for the service(s) than separate systems.

Furthermore, it is noted that King further discloses using multiple mobile devices 102 and 103 (King: Fig. 1) to access voice (or speech) recognition server system 109 and teaches 'storing user specific files associated with a plurality of users [user's] serviced by a carrier entity (network)' (King: column 5, lines 26-30), in which 'the identification information for user and/or device ...is transmitted automatically' (King: column 5, lines 12-15), which suggests that the server system (a computer) needs to provide both voice (or speech) recognition services and the necessary associations (interpreted as user identifiers) between the users specific files and the corresponding user devices. This further provides motivation, suggestion and/or desirability for combining both features of receiving data and device ID and recognizing voice (or speech) within one server (computer) system.

In addition, it is noted that both references are implemented and/or connected by computer and network based services, using TCP/IP, URL (or URI) (King: column 6, lines 1 and 41-42; Alpdemir: column 10, lines 30-49), and cellular phone (King: column 3, line 12; Alpdemir: column 3, line 54). It is common knowledge in the art that TCP/IP includes using IP addresses, cellular phone includes using telephone number, and that IP addresses, URLs (or URIs), or telephone numbers can be used as user device identifiers, so that an ordinary people in the art would know that a computer and network based speech/voice recognition service system would necessarily receive at least one of IP addresses, URLs (or URIs) and telephone numbers as a user device ID, in order to provide service to that user.

In response to appellant's arguments that "King in view of Alpdemir fails to teach or suggest each limitations of the claims 1-3, 7-16, 20-29 and 22-39", and particularly, fails to teach or suggest the limitation of "determining whether to filter the translated text and if it is

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determined that the translated text it to be filtered, applying a filter to the translated text” (Brief: page 16, paragraph 2 to page 18, paragraph 2), the examiner respectfully disagrees with the appellant and has a different view of the prior art teachings and the claim interpretations. It is noted that the argued claim limitation (see claim 14, also applied to claims 1 and 27) regarding filtering text is quite broad, since it is just "filtering the translated text if needed" or “applying a filter to the translated text if needed” and the claim does not specifically recite what should be filtered out and how to apply a filter to the text. As stated in the claim rejection, King teaches 'converting the symbolic data file (text) to a data format that may be optimally transported on wireless network' and 'a text file... may be reformatted so as to more compatible (suggests filtering out some incompatible text) with requesting mobile device' (interpreted as a filter or filtering function), which is properly read on the claimed limitation, based on broadest reasonable interpretation of the claim(s). It is also noted that dependent claim 20 further limits the limitation “applying the filter” as comprising “formatting the translated text”, so that the feature of formatting and/or re-formatting text disclosed by King is properly read on the claimed limitation, as describe in the rejection of claim 14.

2. In response to appellant's arguments, regarding the rejection of claims 4-6, 17-19 and 30-32-29 (ground 2 of the rejection) based on well-known prior art (official notice), that “examiner has failed to meet his burden of establishing that King in view of Alpdemir and in further view of the known art teaches or suggests each element of dependent claim 18” that recites “therein determining comprises extracting one or more key words from the translated text” (Brief: page 18, paragraph 3 to page 19, paragraph 4), it should be pointed out that this is the first time that

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the applicant has challenged the official notice, even though the same official notice has been presented in the previous non-final and final office actions.

For supporting this official notice, the evidence is found by reviewing King's disclosure, based on broadest reasonable interpretation of the claim limitation. It is noted that King teaches that 'the symbolic data file (recognized data file) can be in format... a text file (e.g. ASCII) (read on translated text)...may be reformatted so as to be more compatible with the requesting mobile device' (King: column 10, lines 41-46), and that 'the symbolic data file...containing a plurality of letters ...words... is then sent to the requesting mobile device' to be 'determined whether a termination command (corresponding to one or more words) has been received (extracted or filtered) (King: column 14, lines 15-30). Therefore, it would have been obvious to one of ordinary skill in the art to recognize that a command in a recognized text would include one or more words (interpreted as key words) and these words would be identified (interpreted as extracted or filtered) from the text by the recognition system, for the purpose of determining further operation, such as terminating a process (King: column 14, lines 37-38).

For further supporting the official notice on this issue, another evidence is disclosed by Junqua et al. (US6,324,512 B1) hereinafter referenced as Junqua, who teaches that 'a speaker utters a phrases that is recognized by an automatic speech recognizer' and 'using lexical filters' for input sentence (recognized text that corresponds to translated text) to identify (extract or filter) keywords, such as movie names, producers (column 5, lines 34-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King in view of Alpdemir by providing identifying certain keywords in the recognized sentence (text), as taught by Junqua, for the purpose (motivation) of perform a feature of filtering

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out the words that are not part of the lexicon (Junqua: column 5, lines 45-46). Similarly, regarding claims 5-6, 19, 31-32, the response is based on the same reason described for claim 18.

Regarding claim 4 (also applied to claims 17 and 30), the response is based on the same reason describe for claims 1-3 above, because claim 4 is dependent claim and there is no additional or separate issue argued by the appellant for the claim (s).

For above reason, it is believed that the appellant's arguments are not persuasive and the combined rejection is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Qi Han

(Examiner at Art Unit 2654)

December 2, 2005

Conferees:


Richemond Dorvil


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